

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
JULY 2, 2007

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on July 2, 2007 in the Ingram Office Building, Urbandale, Iowa.

COMMISSIONERS PRESENT

Suzanne Morrow, Secretary
Darrell Hanson, Chair
Ralph Klemme
Charlotte Hubbell
Mary Gail Scott, Vice Chair
Susan Heathcote
Henry Marquard – arrived at 11:30
Paul Johnson

COMMISSIONERS ABSENT

David Petty

OATH OF OFFICE

Liz Christiansen conducted the oath of office for newly appointed Commissioner Paul Johnson.

ADOPTION OF AGENDA

Mary Gail Scott said that the Approval of Minutes for the June meeting will need to be removed from the agenda. They are not ready for approval yet.

Motion was made by Charlotte Hubbell to approve the agenda as amended. Seconded by Mary Gail Scott. Motion carried unanimously.

APPROVED AS AMENDED

CONTRACT – IOWA STATE UNIVERSITY – WETLAND PERFORMANCE MONITORING

Mary Skopec with the Iowa Geological Survey and Land Quality Bureau presented the following item.

Mary Skopec gave an overview of what the monitoring program does and where the funding comes from. Two main components of the monitoring program include routine monitoring (beaches, groundwater, lakes, streams, rivers, wetlands) and then project (shorter term monitoring to fulfill a grant, etc.) monitoring. We have 18 professional staff, students and long-term contract staff to help within this program.

The program goal is to develop and deliver consistent, unbiased information about the condition of Iowa's surface and groundwater resources so that decisions regarding the development, management and protection of these resources may be improved.

The Department requests Commission approval of a \$249,890 contract with Dr. William Crumpton to conduct wetland performance monitoring.

The objective of this program is to determine the effectiveness of Iowa wetlands in reducing phosphorus loading to Iowa streams and lakes. The Iowa Department of Agriculture and Land Stewardship is currently providing funding to ISU in a five year project to determine reductions in nitrogen that occur in CREP wetlands. This project builds upon that existing framework to also expand into phosphorus monitoring. Monitoring the phosphorus balance of wetlands in Iowa's landscape is an important component in understanding water quality because it is unclear whether wetlands reduce phosphorus loading or in fact may increase phosphorus loading in some situations. This contract covers 18 months of a five year project as indicated by the budget below. The contract covers the following items:

- The contractor will collect water samples and measure flow rates at major inflows and outflows of each selected wetland during the primary period of flow from just after thaw to just before freezing.
- The contractor will analyze inflow and outflow water samples for phosphorous fractions and calculate phosphorous mass balances for each wetland.
- The contractor will collect other ancillary data and information relevant to the cycling of phosphorus in wetlands.
- Contractor will transfer all chemical data results to DNR in electronic form for submittal to the Iowa STORET database.
- The contractor will submit a report detailing the results of the work, the implications for wetland mitigation, and suggestions for future work.

Funding for this contract comes from the Environment First Infrastructure Funds – Water Quality Monitoring Funds.

Mary Gail Scott asked to see the strategy and the elements that are required for monitoring.

Mary Skopec said that she will mail out the strategy and elements. The STORET database information is online. Iowa has been recognized as the leader for getting the water quality information on line. All of our monitoring efforts are recorded in STORET.

Motion was made by Susan Heathcote to approve the contract with ISU as presented. Seconded by Charlotte Hubbell. Roll call vote went as follows: Susan Heathcote – aye; Sue Morrow – aye; Mary Gail Scott – nay; Charlotte Hubbell – aye; Ralph Klemme – aye; Paul Johnson – aye. Motion carried.

Darrell Hanson abstained from voting due to a working relationship with Iowa State University.

APPROVED AS PRESENTED

PUBLIC PARTICIPATION

JAY EATON, attorney from Des Moines representing Cottonballs. Cottonballs is involved with a private dispute with Mike Meyer. We have learned that Mr. Meyer has been involved with providing information to this commission regarding this site. You have been told that a sinkhole exists at site 1, which is connected to a spring at Mr. Meyer's property. You also heard complaints that the DNR is not doing their job of monitoring at the site. First of all, that is not true. This site has been regulated more often than most sites. Tests have been done by the DNR to determine if a sinkhole exists and they have not been able to find a sinkhole. Cottonballs hired an engineer at the very beginning of construction as well as a hydro-geologist. It's easy for people to come before the commission and express their feelings without giving the facts.

Charlotte Hubbell asked if dye testing has been done to determine if there is a sinkhole?

Jay Eaton said no.

KEVIN SHILLING from Greenfield Iowa submitted the following comments:

1. Moratorium on any new construction or expansion
 - ❖ DNR is not adequately funded to review Manure Management Plans (MMP)
 - ❖ Prestage Farms is on its second MMP to construct facilities in Cass and Adair counties.
 - ❖ The first set of plans had numerous errors found by non-professionals. These plans were developed by the Twin Lakes/Sexton team. These errors, plus overlooking a residence were missed by the second MMP group.
 - ❖ DNR scrutinized these plans only because of opposition and requested extensions to "get it right." It is reasonable to expect that many other plans by Prestage has serious flaws and indicates to me that they have more problems with current "approved" sites.
 - ❖ Recommend on entire review of all Prestage Farms MMPs and sites to insure compliance.

2. Increase permit fees and check for compliance, especially for facilities under the permit level. No one currently checks for compliance so its no wonder that when a disaster, such as a fire, occurs the building has more hogs than the stated capacity.
3. Allow neighbors within a two mile radius to appeal permits – current system favors the producers and contravenes the Iowa Pork Producers and the Coalition to Support Iowa Farmers neighbor relations policy.
4. Frozen ground application of manure should be banned. Manure to soybeans should be banned.
5. Increase fines, increase enforcement. Currently DNR only responds to complaints.
6. Tax as a commercial enterprise unless the farmer owns the entire operation and performs the labor.

PAM MACKEY TAYLOR with the Iowa Chapter of the Sierra Club addressed the 2006 draft 303(d) list. This list is created by Iowa's credible data law, which violates the Clean Water Act. EPA already acknowledges this. The DNR says that there is insufficient data to evaluate certain waterbodies and therefore are kept off the 303(d) list even though they do not meet all other designated uses.

The EPC passed water quality standards in order to comply with Clean Water Act. Even though EPA has not yet approved those standards, they certainly will approve them even at a more strict level. The DNR should use these standards to draft the 303(d) list.

In preparing the 303(d) list, the DNR distinguished between evaluated and monitored assessments. The EPA does not recognize this distinction.

A number of the water bodies removed from the 2004 list but there is no indication to why or what reason they were removed. The Sierra Club is asking the Commission to take a closer look at all of the comments and make sure that the DNR prepares a correct list.

BOB WATSON from Decorah submitted the following comments: We know the current condition of our State surface waters. The list of impaired waters grows each year. We know that half our soil is gone, blown and wasted away and what soil is left has been drenched with chemicals for the last 55 years Many watershed engineers will tell you that technically we are farming subsoil. Also, we are now beginning to understand what CAFO's are doing to the air we breathe.

Here is a daily snapshot of the ammonia concentrations over the Midwest and as you can see they are pretty much centered over Iowa. Two of the places in Iowa where poison gasses ammonia and hydrogen-sulfide are constantly being produced are urban sewers and agricultural confinements. Not only are the concentrations of these gases many times higher in animal waste than in human waste, but unlike urban sewers which are designed to keep those poison gasses in the sewers thus protecting the people who live in urban neighborhoods, confinements are designed to constantly blow those poison gasses into the surrounding rural neighborhoods which are people then have to breathe.

If our air, soil, and surface waters have been and are being polluted, what is left for you, the Environmental Protection Commission, to protect? The last couple of months Mike Meyer and I have brought before you two particular situations; the Meyer Spring situation and in the literature we gave you, the confinement by Peregrine Falcon near Bob Anderson's home which is 250 feet from a known sinkhole. This confinement was allowed to be built only because of unwise legislation and an Orwellian rewrite of the DNR regulations. These two particular situations educate us about the general assault on our subsurface waters, both our shallow and deep aquifers, which are especially vulnerable to surface pollution in the karst geology and topography of NE Iowa. The general problems these particular situations point to in karst are: 1-scale of operation, where we see mini-mountain top mining seeking to create level ground where none exists, thereby disrupting shallow level aquifers; 2 – separation of CAFO's from sinkholes, which are a direct conduit to our aquifers; and 3 – industrial agriculture adopting wastewater technology without the treatment, regulations, protections and education that are required by law in every other sector of America where this technology is used, except in agriculture. Without these laws and protections, we see the resulting assault from this technology on the environment and on the health of our rural population.

There is no predetermined script on how history plays out. Ultimately, who we are as a society, and as individuals, is up to us. The Commission can follow the lead of the DNR and do the Texas two-step, finding any excuse to not become involved in a particular situation; or, as in this case understanding that these aquifers belong to all 3 million Iowans, you can use the opportunity that Mike and I have given you, and the power you have in the Agency Discretionary Rules, much of it written with karst in mind, to act to help save our aquifers from the fate already suffered by our States air, surface waters, and soils. The choice is yours to make.

WALLY TAYLOR attorney from Cedar Rapids representing Marvin Meyer. We believe that the DNR staff is not doing as much as they could in regards to the Cottonball site. In October 2005, before the construction was done, a state geologist did some investigation and came to the conclusion that the eastern edge of the Cottonballs site is underlying a shallow depth of limestone which leads to the Maquoketa River. Earth at the site exposed bed rock. Photographs of the complaints show evidence of this. However, we do not know the extent of the dirt work. Based on that report, field office #1 sent a letter to Cottonballs imposing the requirement that manure cleanup and storage are required to be located away from the eastern part of the site. Manure from the operation can be expected to cause pollution to a water of the state. There was indication of a sinkhole but nothing was done. I would like the Commission to ensure that field office #1 does undertake a dye test to ensure what is being done.

KEITH FREIE from Latimer suggested that the DNR considered raising the limit on the number of animal units from less than 1,000 to something greater. The Korey family are the examples of a family farm. They work with the DNR on pilot projects and to control outside runoff. The Weaver family is another good example. They are in the process of building a 1,000 animal unit. These folks are not large family farms. But because of their size they don't qualify for programs. These families are in a range that you are pushing out the door. These are the families that will be around for generations. Please consider this issue.

MONTE SHAW with the Iowa Renewable Fuels Association discussed the air quality rules for ethanol plants. We strongly support this proposal. This issue has been worked on at the federal level. The current limit at 100 tons puts drying plants (owned by local folks) at a disadvantage with the wet mills that they compete against that are allowed to go up to 250 tons. We also support the implementation process that the DNR has put in place. One: the Iowa Code does call for the state to adopt the federal guidelines in instances like these. We believe this is in line with the Iowa Code. Secondly: It's important for people to understand that this is not about more emissions. It's whether or not they should follow the minor source or major source plan. There are entities in Iowa that are permitted to emit 40,000 tons of emissions a year. We're just talking about moving the line from 100 to 250 tons. This is not about more emissions it's about regulatory regime.

RICK BREHM from the Lincoln way Energy Center from Nevada, Iowa addressed the air quality rules for ethanol plants. We need to allow the small ethanol plants in Iowa to compete on level playing fields with the larger ethanol plants. Changing from 100 tons to 250 tons would allow us to operate like the bigger operations. Please consider this increase.

BILL RODDY stated his support for the air quality rules for ethanol plants. Fuel ethanol was first produced in 1978 in Illinois but it sat without a market. In 1977, Congress could not have intended these mills to be classified as chemical process plants by US EPA since they did not exist. In 1981, the EPA classified them as a chemical process plant under the PSD rules, stating that such a classification would minimize any possible subjective determination when implementing the PSD program for ethanol plants. This rulemaking would correct this misclassification in my opinion. You won't be able to build a plant unless it is properly controlled and those controls include thermal oxidizers, flares, scrubbers and bag houses. There will be less red tape as a result of this rulemaking, while public health and safety and the environment continues to be protected. Ethanol plants will have to have controls. No new plant can be approved without controls.

Wayne Gieselman said that the 303(d) list is a draft that is going out for public comment. Mr. Freie talked about raising the 1,000 animal unit threshold. We have not done this because the NRCS has a EQIP program that has funding for large confinements over 1,000 animal units. The area where we see the need for funding was in the facilities that are less than 1,000 animal units, that is why we have structured our SRF program to provide funding for the smaller facilities.

Mary Skopec clarified that the public comment for the draft 303(d) list ended on Friday. John Olson is preparing the responsiveness summary and he would be happy to present the full summary next month.

The Credible Data law isn't impacting whether or not we list anything. It has more to do with the methodology. In terms, of delisting waterbodies, there is a very detailed rationale in our assessment database that is available online.

JIM MENNELL managing partner of the environmental law group in Minneapolis is representing Poet Bio-refining. It is the largest dry mill ethanol producer in the US, with seven

plants in Iowa. Poet requests that the Commission approve the staff's requested rule changes to Chapters 22 and 23 of section 567 IAC regarding air permitting for ethanol facilities. These changes would make Iowa law consist with the recent changes to federal law in how it defines when a facility is subject to PSD requirements. Prior, to EPA's rulemaking an old interpretation of dry mill ethanol plants lead to PSD requirements at a lower threshold. Raising the 100 tons per year to 250 will make it consist with dry, beverage and wet mills. Immediate adoption of the rule change is important because the PSD permitting process unnecessarily slows the permitting and the new production of ethanol and it does so without any corresponding benefit to the environment. EPA studies show that the time issuance of PSD permit ranges from 1-2 years. Issuance of a non-PSD permit by the DNR, typically occurs within months. Immediate adoption will also have little impact to the environmental performance in Iowa. The PSD program has two major components. One is requiring the facility to evaluate the best emission controls and to operate those controls. Two is that a permittee does ambient air modeling requirements. Iowa does both of those already. It's important that Iowa adopt these rules.

STEVE VEYSEY representing the Iowa Chapter of the Sierra Club on the issue of UAAs. Four items of concern are; the role of the DNR and the EPC, what is the burden proof, EPA's documented position and what is primary contact recreation.

Role of DNR and EPC. (in my opinion) DNR manages permit programs. Every action they take especially implementation and enforcement is colored to some extent by that duty. The role of the EPC is to protect the environment. You have approved water quality standards including use designations for Iowa. DNR may propose but you amend, approve or reject.

Burden of Proof. 95% of the streams being assessed are being recommended for downgrades. You will be asked to approve these recommendations based on protocol that neither you, the public or EPA have had any formal part of establishing. You will be asked to change Iowa's water quality standards. You do get to establish the burden of proof and I urge you to be very persistent and clear in establishing the burden of proof. With respect to recreational uses, be aggressive and clear in establishing the burden of proof.

EPA's position. In response to Missouri's attempt to downgrade 141 streams. Iowa's protocol is verbatim of Missouri's protocol. EPA has interpreted Missouri's protocol that if the water depth is greater than one meter at any spot in one segment then primary contact is attainable. That is what EPA has said in writing about denying 99 of the 141 UAA downgrades proposed. EPA has documented their position in a recent meeting with DNR in May. EPA states "Recreational use decisions are inherently biased. A swimmer will seek out pools in a water body suitable for recreation regardless of whether the pools are representative of the water body segment." So the idea that you can recommend a downgrade by going to several bridge crossings and looking up and down the stream 50 yards does not in my mind meet this burden of proof.

EPA's current thinking is that physical factors alone, including flow depth and velocity of water, are not sufficient justification for removing or failing to designate a primary contact recreational use.

Henry Marquard asked if the Sierra Club is looking for a definition of primary contact recreation.

Steve Veysey said that the burden of proof depends on the definition of primary contact recreation and what degree of evidence shows that the uses are occurring or are attainable. Activities that result in direct, prolonged contact with the water involving considerable risk of ingesting water pose a health risk. This is in our water quality standards. If DNR used this language to issue a permit, then DNR would get to interpret what this means. However, that is not the case. This language is to establish a use designation. This is the commission that does that not the DNR.

We have been gathering testimonies and comments from people around Iowa about various streams. We will be using this information to try to support a recommendation that DNR makes or to challenge a recommendation that DNR makes. (Steve read a survey card that basically stated that they use the stream for recreational purposes...swimming, playing, fishing, and canoeing) Is this burden of proof??

Darrell Hanson said that he would be cautious to believe that every survey card will relay true information. Not to be cynical, but at some point if there is one person that says something and a bunch of people say differently it deserves to be looked at more closely. We definitely need to gather this information.

Susan Heathcote said that the burden of proof really falls on the DNR to show that these uses don't exist and that they may not be attainable. The issue here is than is it possible to even swim there or is it attainable.

Steve Veysey said that the burden of proof now is only a draft and could be changed at any time. That is why I believe it's important for the commission to establish the burden of proof.

NEILA SEAMAN Director of the Iowa Chapter of the Sierra Club submitted the following comments: We have concerns about the rule that includes ethanol production facilities as "chemical process plants" and would increase the air pollutant limit for new or expanding ethanol production plants from 100 tons per year to 250 tons per year.

We are concerned that increasing the pollutant limit one and a half times may cause an unnecessary increase in air pollution. According to EPA, there are an estimated 171 denatured ethanol production facilities located or planned in attainment areas, which includes Iowa. However, 63 of those plants (or just under 37 percent) are currently operating in Iowa. Iowa facilities currently are permitted to produce just over 5.5 billion gallons per year of denatured ethanol.

DNR states in its rule package that it is currently reviewing approximately eight new projects or expansions. "To provide consistency for owners and operators of proposed ethanol production plants, and to eliminate the uncertainty in the timing for the new emissions thresholds, the department proposes to adopt these federal changes as soon as possible."

If there are only eight projects working their way through the process, we disagree that there is an urgency to pass this new rule. If existing and planned ethanol production plants located in attainment areas in the entire country can operate under the old rule, we believe future projects can too. Again, raising the pollutant limit to 250 tons per year could cause air pollution problems since there is such a high concentration of plants already operating or planned in our state.

EPA says it does not expect many additional facilities to be constructed over the next five years because of this rule. Eight additional plants in Iowa is a 13 percent increase over current production facilities and another 1 billion, 39 billion gallons per year produced (DNR data on EtOH Capacity, 6/25/07). Although these projects were planned prior to this rulemaking, it is our understanding they would have to comply with the old rule unless they request the change. That also applies to existing facilities.

Four of the currently operating plants operate under a PSD permit and three of the projects currently under review applied for a PSD permit. Are we expecting additional plants that will need to produce so much ethanol that they need to be able to emit 250 million tons per year? We hope not.

EPA says it does not expect many additional facilities to be constructed over the next five years because of this rule. Eight additional plants in Iowa is a 13 percent increase over current production facilities and another 1 billion, 39 million gallons per year produced (DNR data on EtOH Capacity, 6/25/07). Although these projects were planned prior to this rulemaking, it is our understanding they would have to comply with the old rule unless they request the change. That also applies to existing facilities.

Four of the currently operating plants operate under a PSD permit and three of the projects currently under review applied for a PSD permit. Are we expecting additional plants that will need to produce so much ethanol that they need to be able to emit 250 million tons per year? We hope not.

EPA estimates that production from existing ethanol by natural fermentation totals 5.6 billion gallons per year at 114 facilities. The agency expects an increase in capacity of 6.4 billion gallons per year or a total of 12.0 billion gallons per year (Federal Register, p. 24070).

We understand that the Environmental Protection Agency passed its rule to be effective July 1. However, we also understand that Iowa is not required to adopt the rule change.

According to the EPA (Federal Register, p. 24073), "...a state can maintain the 100 tons per year threshold or other lower threshold. If a state's regulations provide that its major source PSD thresholds cannot be more stringent than those prescribed by the Federal programs, its state minor NSR program should be able to address specific local concerns..."

We believe Iowa should maintain its current rules and allow its minor NSR program to address these concerns. We simply do not see the need to adopt the new rule.

-----End of Public Participation-----

CONTRACT – UNIVERSITY OF IOWA HYGIENIC LABORATORY – 2007 AMBIENT MONITORING AND LABORATORY SERVICES

Mary Skopec with the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Department requests Commission approval of a \$1,116,342 contract with the University of Iowa Hygienic Laboratory to conduct ambient water monitoring on streams, lakes, and wetlands.

The objective of this program is to conduct regular water quality monitoring on Iowa's streams, lakes, and wetlands to determine the status and trends in water quality of these systems. The Clean Water Act requires states to monitor and assess all waters of the state for beneficial uses including recreational, aquatic life, and drinking water uses. This contract provides for several aspects of monitoring and assessment to determine the quality of water resources including:

- Monitoring at 76 stream sites throughout Iowa for basic water chemistry, nutrients, total suspended solids, bacteria, and limited pesticide sampling.
- Monitoring at 132 lakes throughout Iowa for basic water chemistry, nutrients, phytoplankton, zooplankton, and suspended sediments.
- Monitoring at 65 wetlands in the north-central portion of Iowa to develop an assessment framework to determine reference condition, indices of biotic integrity, and status of chemical contamination. Monitoring includes a wide spectrum of nutrients, herbicides, insecticides, PCBs, and metals in water and wetlands sediments.
- Monitoring at lakes in Iowa where restoration activities are planned or currently active. Monitoring will document pre-restoration condition as well as improvements in water quality, vegetation, and aquatic life due to restoration.
- Snapshot monitoring on selected watersheds as part of the IOWATER volunteer monitoring program.
- Monitoring at Hickory Hills in Tama County to determine the effectiveness of sediment retention structures for lake protection.
- Laboratory support for Contaminated Sites and Underground Tanks sections

Funding for this contract comes from the Environment First Infrastructure Funds – Water Quality Monitoring Funds and EPA funds (106, Brownfield), LUST Trust Fund, RSIP Grants, State Hazardous Waste Remedial Funds, and Land Recycling Program fees.

Henry Marquard asked if bidding was done since this is a seven digit contract.

Mary Skopec said that this falls under the department's authority that we have to use a state sponsored organization unless we can show that the work cannot be performed by UHL.

Motion was made by Charlotte Hubbell to approve the contract with UHL as presented. Seconded by Susan Heathcote. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – UNIVERSITY OF IOWA HYGIENIC LABORATORY – 2007 AMBIENT BIOLOGICAL MONITORING AND LABORATORY SERVICES

Mary Skopec with the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Department requests Commission approval of a \$249,084 contract with the University of Iowa Hygienic Laboratory to conduct stream biological monitoring.

The objective of this program is to maintain and build upon existing efforts to assess streams in Iowa using biological monitoring protocols. The Clean Water Act requires states to monitor and assess all waters of the state for beneficial uses including aquatic life uses. This contract provides for several aspects of monitoring and assessment to determine biological integrity of Iowa streams including:

- Monitoring at wadeable reference sites that are used to set goals for biological integrity in streams of similar size, physiographic region, and land uses.
- Monitoring at sites in need of further investigation (WINOFI) where previous monitoring was inconclusive with respect to impairment.
- New monitoring in headwater streams to begin to build assessment techniques for intermittent and ephemeral streams.
- Development of a coldwater Index of Biotic Integrity since the current assessment protocol may not perform as well for coldwater streams.
- Macro invertebrate sampling at Nonwadeable streams to supplement and enhance the Iowa State University Nonwadeable stream monitoring and assessment project.

Funding for this contract comes from the Environment First Infrastructure Funds – Water Quality Monitoring Funds.

The Commissioners discussed wadeable reference sites with the department.

Motion was made by Susan Heathcote to approve the contract with UHL as presented. Seconded by Sue Morrow. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – UNITED STATES GEOLOGICAL SURVEY – STREAM FLOW ESTIMATION

Mary Skopec with the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Department requests Commission approval of a \$46,750 contract with the United States Geological Survey to begin a program to estimate stream flow at ungaged sites.

The purpose of this Agreement is to develop a method for estimating flow on ungaged streams and evaluating the potential application of an empirical surface-water quality model for understanding the differences in fate of nutrients between watersheds in Iowa. This contract begins the development of a program to develop flow estimates at ungaged sites in Iowa. Lack of stream flow information is a problem for a variety of DNR programs including the ambient monitoring program, NPDES, TMDL, Fisheries, among others. Adding new gages is cost prohibitive and unlikely to provide information in small watersheds. This project seeks to overcome this problem by developing statistical estimation techniques that will allow a user to define a point on the landscape and derive daily mean streamflow. This contract covers the period from July 3, 2007 through September 30, 2007 and provides funding for the USGS to identify potential statistical techniques for testing and evaluation.

Funding for this contract comes from Environment First – Infrastructure Funds.

<i>Motion was made by Henry Marquard to approve the contract with USGS as presented. Seconded by Sue Morrow. Motion carried unanimously.</i>
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APPROVED AS PRESENTED

CONTRACT – UNITED STATES GEOLOGICAL SURVEY – WATER LEVEL MEASUREMENTS

Mary Skopec with the Iowa Geological Survey and Land Quality Bureau presented the following item.

The Department requests Commission approval of a \$27,500 contract with the United States Geological Survey to resume a program to estimate water levels in Iowa's groundwater systems.

The purpose of this Agreement is to collect and analyze two complete sets of state-wide measurements of ground water levels for aquifers in Iowa using the existing ground-water well network that was established by the USGS and IDNR, but suspended in 2003 due to lack of funding. This network provides information on the availability of groundwater resources in the state and provides information on trends in water levels. The water level information will be important for the upcoming development of the state's water plan.

Funding for this contract comes from Funds Appropriated for the State Water Plan.

Budget

Party	Amount of Contribution
USGS	\$22,500.00
DNR	\$27,500.00
Total	\$50,000.00

Mary Gail Scott asked who the wells belong to.

Mary Skopec said that some are public wells, private wells, drilled wells and some municipal wells.

Paul Johnson asked what kind of efforts are being done to educate the public about the results of this monitoring.

Mary Skopec said that they hold an annual conference that showcases what has been done. We do try to document all information and then get it available for the public.

Motion was made by Charlotte Hubbell to approve the contract with USGS as presented. Seconded by Henry Marquard. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - IOWA STATE UNIVERSITY - EVALUATION OF ON-ROAD AND LABORATORY ENGINE DYNAMOMETER EMISSION TESTS TO COMPARE THE EMISSION REDUCTION POTENTIAL OF DIFFERENT BIODIESEL BLENDS

Jim McGraw, Program Development Supervisor in the Air Quality Bureau presented the following information.

The Department requests Commission approval of a contract in the amount of \$112,598 with Iowa State University (ISU) for the period of July 10, 2007 through June 30, 2008. The contract establishes cost reimbursable payments, funded through an external grant from the Central States Air Resource Agencies (CenSARA).

ISU's Center for Transportation Research and Education (CTRE) shall be responsible for the duties, technical reporting, and activities required to complete the project. The purpose of this contract is to allow the CTRE team to evaluate and compare the emission reduction potential of different biodiesel blends under different operating conditions. The team will conduct engine dynamometer tests as well as on-road tests which utilize a portable emissions monitoring system (PEMS). The research team will lease a portable on-road emissions measurement system from Clean Air Technologies. The Department of Mechanical Engineering at ISU currently has an engine lab setup with two diesel engines which are mounted to a dynamometer.

Biodiesel use in the state of Iowa will continue to become more prevalent. The tests and quantifications of the effects of different blends on engine and vehicle performance, and the subsequent air emissions that is obtained through this project can be used by the DNR to gain a better understanding of the environmental impacts of biodiesel for further guidance and planning should the state of Iowa reach non-attainment for Ozone.

Charlotte Hubbell asked how close the DNR is to reaching non-attainment?

Jim McGraw said that we're not close.

Mary Gail Scott said that the bio-diesel industry should be doing this. Making claims about its suitability and cleanliness.

Jim McGraw said that we are trying to make different ways to reduce emissions. ISU came to us last fall and said that they were interested in investing this and that grant money was being offered. I can't speak for the bio-diesel industry and why they aren't doing this.

Motion was made Charlotte Hubbell to approve the contract with ISU as presented. Seconded by Ralph Klemme. Motion carried.

Darrell Hanson abstained from voting due to a working relationship with Iowa State University.

APPROVED AS PRESENTED

CONTRACT – IOWA WASTE EXCHANGE DATABASE ENHANCEMENTS – QUALITY CONSULTING, INC.

Jeffrey Geerts, Program Planner in the Environmental Services Division presented the following information.

The Department requests Commission approval of a contract not to exceed \$86,780 with Quality Consulting, Inc to analyze, design, develop, test, and implement updates and improvements to the Iowa Waste Exchange (IWE) database.

The Iowa Waste Exchange database fulfills dual needs of: a)internal tracking of client interactions, program performance results, byproducts available, byproducts matched, and companies seeking byproducts; and b)providing an external web application that will easily

allow the public to search a database of available and wanted materials and to submit available and wanted material information.

BACKGROUND

The Iowa Waste Exchange (IWE) is a 16-year-old confidential, non-regulatory program that assists Iowa companies in matching their byproducts with companies that can add value to those byproducts via reuse and recycling. Since its inception, the IWE has matched 7,500 byproducts. The IWE's success in matching materials has resulted in the diversion of more than 1.25 million tons of resources from Iowa landfills with associated disposal savings to businesses of more than \$35.5 million. Participating businesses also realize savings from avoided purchases and reductions in transportation costs and storage space.

The Department of Natural Resources (DNR), Department of Economic Development (DED), and the Iowa Waste Reduction Center (IWRC) partner on strategic planning, collaboration and assistance to support the Iowa Waste Exchange. The Regional XII Council of Governments in Carroll is the current contractor delivering the services of the Iowa Waste Exchange across Iowa.

PROJECT BENEFITS

The benefits of this project are many including, but not limited to, the following:

- Online access for the public to search byproducts available for reuse and recycling
- Online access for the public to search byproducts wanted for reuse and recycling
- Online access for IWE customers to self-list byproducts available or wanted
- Mapping of materials available or wanted within a defined radius
- Improved user friendliness
- Improved ability to update and maintain data
- Updates to reporting tools to reflect new Iowa Waste Exchange reporting requirements
- Ability to combine information from the Iowa Waste Exchange database with data from two other sets of supporting DNR data (Pollution Prevention Services database and Solid Waste Alternatives Program database)

REQUEST FOR PROPOSALS PROCESS

The request for qualifications was sent to 14 firms, posted on the state's official Web site for notifying targeted small businesses, and posted on the state's official bid opportunities Web site. Two organizations submitted proposals. The request for proposals asked contractors to submit separate budget amounts for three different approaches to this project. The Department has negotiated a budget with the recommended contractor to combine two of the project approaches. The range of the budget costs submitted for the three approaches is reflected in the budget range column of the table below.

Applicant	Budget Range	Average Score
Quality Consulting, Inc.	\$76,600 – \$108,000	85.7
Quilogy	\$204,060.47 – 345,734.69	62.7

The following department staff reviewed the proposals submitted by two firms:

Dawn Connet, DNR	Jeff Geerts, DNR
Jennifer Reutzel, DNR	Diane Albertson, Iowa Waste Reduction Center

Tom Anderson, DNR	
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RECOMMENDATION

The review committee recommends entering into a contract with Quality Consulting, Inc (QCI) for several reasons, including the following:

1. QCI project staff has worked on similar applications inside and outside of the department
2. QCI's reasonable time frame for completing the project
3. QCI presented the lowest budget
4. QCI's extensive testing system and checklist to guarantee database effectiveness
5. QCI's proposal received the overall highest score

The Iowa Waste Exchange Account of the Groundwater Protection Fund will fund this contract. The contract Scope of Work is attached. The Department requests the Commission's approval to enter into a contract with Quality Consulting, Inc.

Mary Gail Scott said that this does not seem to be \$86,000 worth of work. We're getting stuff exchanged and the stuff that isn't exchanged probably isn't exchangeable. We're not going to reduce staff.

Henry Marquard said that it seems there should be a private market for this. Where does the state fit in when it comes to making field visits and marketing?

Monica Stone said that most of the time these products are not sold. They are traded at no cost or the companies are paying the transportation costs to get these products. So it's not a matter of a market that's out there. It's a matter of keeping things out of the landfill and finding a higher use for them. There are centers out there that take items that have a value.

Mary Gail Scott said that this seems like an access database and that's a lot of money.

Monica Stone said that yes, this is an online database. Three bids were looked at.

Motion was made by Susan Heathcote to approve the contract with Iowa Waste Exchange Database Enhancements as presented. Seconded by Charlotte Hubbell. Roll call vote went as follows: Susan Heathcote – aye; Mary Gail Scott – nay; Paul Johnson – aye; Charlotte Hubbell – aye; Henry Marquard – nay; Ralph Klemme – aye. Motion carried.

Darrell Hanson not present at the time of voting.

APPROVED AS PRESENTED

FINAL RULE – WATER SUPPLY CHAPTERS 40 AND 43: MINOR WATER MAIN CONSTRUCTION PERMIT

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The Commission is requested to approve the Final Rule, which amends Chapter 40: Scope of Division – Definitions – Forms – Rules of Practice, and Chapter 43: Water Supplies – Design and Operation of the Iowa Administrative Code. The chapters pertain to the water supply requirements for design and operation. The changes will create a Minor Water Main Construction Permit, which will allow for the construction of extensions to and replacement of minor water mains.

A water system must obtain a construction permit prior to construction of any water distribution system extension or replacement in Iowa. Rural water systems can receive requests to connect to their system from landowners who have had well trouble or when they happen to be working in the area. These minor extensions to the system do not raise any operation or safety concerns as long as they are constructed appropriately and the system can maintain adequate pressures.

Applying for and issuing a construction permit can take longer than many of these situations call for from the business perspective of the system and from a regulatory perspective. To obtain a Minor Water Main Construction Permit, the system would need to have on file with the Iowa DNR an approved up-to-date hydraulic analysis of the system and approved standard specifications for water main construction. Only minor water main extensions included in the hydraulic analysis would be covered under the permit. The system would be required to submit an updated hydraulic analysis to the department for review, and to annually submit as-built plans of all water mains constructed under the permit, prepared and submitted by a licensed professional engineer, along with the appropriate construction permit schedules and the construction permit fee.

The Commission approved the Notice of Intended Action for this rulemaking on March 6, 2007. A public hearing was held on April 19, 2007 at the IDNR Water Supply Offices at 401 SW 7th Street in Des Moines. Two people attended the hearing and each voiced support for the rulemaking. No written comments were received during the public comment period, which ended April 20, 2007. There are no changes to the Notice of Intended Action as a result of public comments.

Motion was made by Susan Heathcote to approve the final rule for Chapters 40 and 43 as presented. Seconded by Ralph Klemme. Motion carried unanimously.

Charlotte Hubbell not present at the time of voting.

APPROVED AS PRESENTED

EMERGENCY RULE- AMENDMENTS TO CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS AND UNDERGROUND STORAGE TANK (UST) COMPLIANCE INSPECTORS

Elaine Douskey, Supervisor of the Underground Storage Tanks Section presented the following item.

The Department presents these rules for emergency adoption by the Commission in order to satisfy the requirements of the Iowa Act.

The Department proposed and the Iowa Legislature passed legislation (SF 499/HF792) (Iowa Act) this session granting the Commission take over administration of the UST installer and installer inspector licensing program which has previously been administered under rules adopted by the Iowa UST Fund Board. The Iowa Act requires the Commission to adopt the UST Fund Board's existing rules by emergency rule making no later than August 1, 2007. The Commission is then required to initiate a notice of intended action to fully implement a licensing program applicable not only to UST installers and installer inspectors but person who remove and test USTs.

Over the last year, the Department has been working with the fund board. We have been working under a 28 E agreement to gradually transfer the oversight of this licensing program. These rules amend the existing Board rules only to the extent necessary to transfer existing rules to the Commission and the intent is not to change the substantive provisions of the existing Board rules.

Motion was made by Susan Heathcote to approve the emergency rule as presented. Seconded by Charlotte Hubbell. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - AMENDMENTS TO CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS

Elaine Douskey, Supervisor of the Underground Storage Tanks Section presented the following item.

The Department presents these rules for Notice of Intended Action by the Commission in order to satisfy the requirements of the Iowa Act and the Federal Act.

The Department proposed and the Iowa Legislature passed legislation (SF 499/HF792) (Iowa Act) this session granting rulemaking authority to the Commission in response to provisions of the Federal Energy Act of 2005 (Federal Act). The Federal Act requires States to implement several policies consistent with EPA issued guidance in order to maintain Federal funding and the Department's "state program approval" for the UST program. The Iowa Act requires the Commission to adopt rules requiring that all new underground storage tank (UST) and piping installations and replacements after August 1, 2007 be constructed to provide secondary containment (i.e. double walled tanks and piping) if they are within 1,000 feet of any public water supply system or a potable drinking water well. The Iowa Act also requires that "under dispenser containment) systems be installed whenever dispensers are replaced. The Iowa Act requires the Commission to adopt rules implementing a process to prohibit the delivery of fuel to UST facilities

which are determined to be out of compliance with designated operation and maintenance requirements such as release detection, overfill and spill protection and corrosion protection.

Mary Gail Scott asked how the companies know not to deliver?

Elaine Douskey said that the companies are not suppose to deliver to companies with no tank tags. We do have field inspectors that will look at facilities to check for compliance.

Sue Morrow asked if there was enough field staff to complete inspections.

Elaine Douskey said that there has been a large change within their program that included private inspectors to do the inspections and then DNR field staff are doing audits of those inspections as well as investigating complaints.

Motion was made by Charlotte Hubbell to approve the NOIA for Chapter 135 as presented. Seconded by Paul Johnson. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE WITHOUT NOTICE AND NOTICE OF INTENDED ACTION: CHAPTERS 22 AND 33, AIR QUALITY PROGRAM RULES – PREVENTION OF SIGNIFICANT DETERIORATION (PSD) AND TITLE V RULES FOR ETHANOL PRODUCTION FACILITIES

Catherine Fitzsimmons, Air Quality Bureau Chief presented the following item.

The Department is requesting permission from the Commission to approve a final rule without notice to amend Chapter 22 “Controlling Pollution,” and Chapter 33 “Special Regulations and Construction Permit Requirements for Major Stationary Sources – Prevention of Significant Deterioration (PSD)” of the 567 Iowa Administrative Code. The Department is also requesting permission from the Commission to simultaneously publish a Notice of Intended Action for these amendments.

The purpose of the rule changes is to adopt into the state air quality rules significant changes to the federal air quality regulations for ethanol production facilities.

The Department is requesting final approval without notice because of the potential impacts to new ethanol production facilities in the state. Currently, the Department is reviewing permit applications for approximately eight new projects or expansions. To provide consistency for owners and operators of proposed ethanol production plants, and to eliminate the uncertainty in the timing for the new emissions thresholds, the Department proposes to adopt these federal changes as soon as possible. These changes, which are described in detail below, will be a benefit to ethanol production facilities in the state.

By simultaneously publishing a Notice, the Department will also provide opportunity for public comment on these amendments. The Department will carefully consider all comments, and will adopt any needed changes in a later, final rulemaking.

On April 12, 2007, the Environmental Protection Agency (EPA) modified the definition of “chemical process plants” as it applies to three Clean Air Act permitting programs. These three programs are the:

- Prevention of Significant Deterioration (PSD) permitting program – a preconstruction permitting program for major stationary sources located in areas that meet national ambient air quality standards (NAAQS);
- Nonattainment New Source Review (NSR) permitting program – a preconstruction permitting program for major stationary sources in areas not meeting the NAAQS; and the
- Operating Permits (Title V) program – an operating program for major stationary sources.

The Department's air permitting programs rely upon emissions thresholds to determine when program requirements will apply. If a facility has the potential to emit air pollutants in amounts equal to or greater than the threshold, requirements to obtain permits that outline emissions controls will apply.

The new air pollutant limit for ethanol production for the PSD program will increase from 100 tons per year to 250 tons per year. However, ethanol facilities that also operate fossil-fuel boilers totaling more than 250 million Btu's per hour heat input will still be subject to the 100 tons per year threshold for PSD applicability for that equipment. The thresholds for the Title V programs will remain at current levels, which is 100 tons per year.

The Department is not pursuing state rule changes to the nonattainment NSR program at this time because Iowa currently does not have any areas of the state that are not meeting the NAAQS. The Department will pursue these and other rule changes to the NSR program at such time as it establishes any nonattainment areas in the state. EPA has approved the Department's approach to nonattainment NSR.

The final rules also will no longer require facilities that use carbohydrate feedstocks in producing ethanol to count fugitive emissions of criteria pollutants when determining if they meet or exceed the emissions threshold for the Title V program or PSD programs. Fugitive emissions are emissions that do not come from process stacks or vents. This change may allow some plants to expand production.

Under the final state rules, permitted emissions limits and other requirements for existing sources remain in effect and enforceable. These limits and other requirements may be modified only if the Department agrees to the facility's request for a permit revision. The Department will revise permits if the facility successfully demonstrates that permit modifications meet all requirements that apply to the facility, and that the permit revisions will not contribute to air quality that would violate the NAAQS. The Department will issue permit revisions for existing ethanol facilities on a case by case basis.

Additionally, the Department is working closely with EPA and other states to obtain more clarity on how to implement these changes, particularly for existing facilities. The Department will implement these changes in a manner consistent with EPA direction. If, based on EPA direction, further rule changes are needed; the Department will pursue later rulemakings, as needed.

If the Commission approves these final rules, the amendments will be published in the Iowa Administrative Code on August 1, 2007, and will become effective on September 5, 2007.

If the Commission approves the Notice of Intended Action, a public hearing will be held on Wednesday, September 5, 2007, at 10 AM at the Department's Air Quality Bureau offices. The public comment period for the proposed rules will close on Thursday, September 6.

Charlotte Hubbell said that she believes we are going in the wrong direction. With asthma and lung cancer rates on the rise, we are proposing to emit more VOCs without opportunity for comment by interested parties.

Catharine Fitzsimmons said that the rulemaking takes about six months. If the NOIA is approved today for the regular process including a hearing on September 5th, we would then come back in October for the final approval and the rule would be published on October 24th. If we didn't skip the NOIA it wouldn't be published until the end of November. Other states have implemented this rule in a quick manner in order to be consistent with EPA.

Ralph Klemme said that we need to move forward with this rulemaking. This is a good step to limit our dependency on foreign oil. The ethanol industry is booming and they will build these plants, whether here in Iowa or out of state.

Henry Marquard said that he is hesitant to adopt this rulemaking as an emergency rule. There needs to be some level of public comment and debate. Is this possibly a two part decision?

Mike Smith with the Attorney General's office explained the process of filing this rulemaking as emergency. The emergency rule would be implemented on September 5th.

Motion was made by Henry Marquard to split this item into two decisions. One for the issuance of emergency rule and the other decision to go into formal rulemaking. Seconded by Mary Gail Scott.

Catharine Fitzsimmons said that we would like to see this rule come into effect as soon as possible so that facilities could apply for and receive permits under those new thresholds. She believes that we as a state are encouraging the development of the ethanol industry. Our permitting process is set up to be protective of the environment regardless of what the threshold is.

Motion carried unanimously.

Motion was made by Charlotte Hubbell to proceed with the Notice of Intended Action. Seconded by Mary Gail Scott. Motion carried unanimously.

Motion was made by Henry Marquard to approve inclusion in the preamble the agencies intent to make adoption upon filing of the rule and to include language of the stringency & anti-stringency language of Iowa law. Seconded by Paul Johnson. Roll call vote went as follows: Henry Marquard – aye; Darrell Hanson – aye; Paul Johnson – aye; Charlotte Hubbell – aye; Mary Gail Scott – aye; Sue Morrow – aye; Susan Heathcote – aye; Ralph Klemme – nay. Motion carried..

APPROVED AS AMENDED

NOTICE OF INTENDED ACTION - CHAPTER 34: ADMINISTRATIVE AMENDMENTS TO THE CLEAN AIR INTERSTATE RULE (CAIR) AND CLEAN AIR MERCURY RULE (CAMR) PROVISIONS

Christine Paulson, Environmental Specialist Senior in the Air Quality Bureau presented the following item.

The Department is requesting permission of the Commission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 34, "Provisions for Air Quality Emissions Trading Programs," of the 567 Iowa Administrative Code (IAC).

The purpose of the proposed rule changes is to make administrative amendments to the state states rules for the Clean Air Interstate Rule (CAIR) and the Clean Air Mercury Rule (CAMR).

The Commission approved final adoption of the rules for the CAIR and CAMR programs on May 15, 2006. The final rules were published in the IAC on June 7, 2006. After the Department adopted the final rules and submitted the rules to the Environmental Protection Agency (EPA) Region VII for approval into Iowa's State Implementation Plan (SIP), EPA identified an issue that required administrative amendments to Iowa's rules and to other states' rules.

The current definitions identify the Department as the permitting authority. The CAIR and CAMR programs are unique in that they allow for trading and holding of emissions allowances that may have been originally allocated by another "permitting authority," such as EPA or another state agency. To account for this, EPA requested that the Department modify the definitions of "permitting authority" contained in the IAC for purposes of CAIR and CAMR allocations by adopting the definition in the federal regulations. EPA made a written request for the changes to the Department on February 16, 2007. EPA then followed this letter with an e-mail, dated April 10, 2007, requesting that the Department commit to a schedule allowing for final rule adoption by January 2008. This timeline is necessary so that the rule changes are in place before any trading commences under the CAIR program, which could occur as early as

January 2008. These changes are administrative, non-controversial changes that will result in a benefit to CAIR and CAMR affected units.

If the Commission approves this Notice of Intended Action, the Department will hold a public hearing on Tuesday, September 4 at 9 AM at the Department's Air Quality Bureau offices. The public comment period on the proposed rules will close on Wednesday, September 5.

Motion was made by Mary Gail Scott to approve the NOIA – Chapter 34 as presented. Seconded by Ralph Klemme. Motion carried unanimously.

APPROVED AS PRESENTED

PRESENTATION ON AIR QUALITY PERMITTING OF GRAIN ELEVATORS

Jim McGraw presented the following information:

Background (Chronology)

- ❖ 1978 – Sixty-Seventh Iowa General Assembly limited the Department's ability to regulate country grain elevators [1978 Iowa Acts, Chapter 1004, Section 17]
- ❖ 1995: Iowa General Assembly removed regulatory restrictions [1995 Iowa Acts, Chapter 2, Section 2]
 - Re: Condition of EPA delegation of Title V operating permit program
- ❖ 1995-Present: DNR works with Agribusiness Association of Iowa (AAI) to address the permitting issues

Chronology Since Amnesty (Late 2003)

- ❖ 2004: Attempted development of one size fits all “general permit” and permit templates for small, medium, and large grain elevators based on throughput capacity
 - Result: Not practical due to wide variation in elevator operations and unrealistic restrictions and recordkeeping.
- ❖ 2005: AAI forms sub-committees to explore options.
 - Result: ID need to conduct impact study
- ❖ 2006: AAI commissions impact study
 - Result: Template conditions will have high cost, not cover all facilities
- ❖ Late 2006 – Present: AAI proposes “Reasonable Alternative.” DNR modifies and adds BMP
 - Result: Tiered permitting strategy based on PTE PM10

Background

- ❖ Hundreds of grain elevators exist in the state
- ❖ Majority are country grain elevators

- 567 IAC 20.1: ...any grain elevator that received more than 50% of its grain produced by farms in the vicinity.
- ❖ Rest are grain terminal elevators, grain storage elevators, or county grain terminal elevators
 - Grain terminal elevator-permanent storage capacity > 2.5 million US bushels
 - Grain storage elevator – permanent storage capacity of 1 million bushels at wheat flour, wet corn, dry corn, and rice mills or soybean oil extraction plants.
 - Country grain terminal elevator – permanent storage capacity < 2.5 million US bushels and does not meet the definition of a country grain elevator
- ❖ Under Iowa rules, very few have air permits necessary under the Clean Air Act
- ❖ 567 IAC 22.1 (1): ...no person shall construct, install, reconstruct or alter any equipment, control equipment...without first obtaining a construction permit...
- ❖ ...A permit shall be obtained prior to the initiation of construction, installation or alternation of any portion of the stationary source.
- ❖ Applies to sources built after Sept. 23, 1970
- ❖ A few of the larger facilities have applied for and received permits, but the majority of the smaller elevators are unpermitted.
- ❖ Unpermitted facilities could be subject to:
 - Other regulatory programs (PSD, Title V or NSPS)
 - EPA and DNR enforcement actions (if not registered for amnesty)
 - Citizen suits
- ❖ Pollutant of concern Particulate Matter (PM)
- ❖ Coarse (PM-10) and fine (PM2.5)
- ❖ State and federal emission standards for PM
- ❖ PM-10 and PM2.5 National Ambient Air Quality Standards
- ❖ Special concern: Many grain elevators are located in middle small towns with little separation from residences and businesses
- ❖ Coarse particles = upper respiratory system
- ❖ Fine particles = lower respiratory system

Background Challenge

- ❖ A lack of information about the grain elevator source sector
- ❖ Number and location
- ❖ Equipment type and capacity
- ❖ Storage capacity
- ❖ Typical operating limitations
- ❖ Uncertainty regarding compliance status

Background Solution

Amnesty instituted in 2003

- ❖ Allows for:
 - No enforcement actions for failure to obtain a construction permit
 - Curtailment of routine compliance inspections
 - No enforcement actions for emitting more than maximum particulate matter concentration
- ❖ Fugitive dust rule NOT included in amnesty

- ❖ Provides:
 - Info on equipment location, type and capacities
- ❖ Expires when equipment is covered under some type of permitting mechanism
- ❖ 838 elevators registered

The Idea

DNR/AAI develop a streamlined mechanism for permitting grain elevators

- ❖ Find balance between reduced regulatory burden and air quality protection and compliance
- ❖ Many streamlined permitting options were explored
 - Permit template(s), matrices, registration forms, batch permitting, priority standard permitting...
- ❖ Due to variation in elevators and operations, a one size fits all approach was not possible. Many of options also not feasible
- ❖ AAI proposed “Reasonable Alternative” approach
 - New tiered operating permit system based on PTE and actual emissions
- ❖ Obtained and evaluated information on how surrounding states regulate grain elevators
 - Informal survey
 - Staff contacts
 - Website and regulatory review
- ❖ Used data from amnesty registrations to estimate PTE of PM-10 from registered grain elevators
- ❖ Placed grain elevators in groups based on PTE PM-10 thresholds used in surrounding states

The Proposal

- ❖ Apply PTE groups to country grain elevators, grain terminal elevators, and country grain terminal elevators
- ❖ Grain storage elevators, feed mills, and grain processors not included.
 - Equipment at these facilities must be permitted
- ❖ Applies to both Existing and New facilities
 - Based on date of construction or modification in relation to effective date of rule
- ❖ Existing: Group 1 registration, Group 2 permit application, or standard construction permit applications due by March 31, 2008
- ❖ New: Registration or application due before start or construction or modification.

The Proposal (Best Management Practices)

- ❖ Practices designed to reduce emissions, especially fugitive emissions at all grain elevators
- ❖ Facility-wide and equipment specific
 - General maintenance, upkeep, repair
 - Grain handling equipment
 - Grain loading and unloading equipment
 - Grain dryer
- ❖ Applies to existing and new equipment
- ❖ BMP + additional controls and practices required for elevators with PTE>15 tpy.

The Proposal (Requirements by Group)

Group	Construction Permit type?	Operating Permit?	EIQ Frequency?	BMP?	Additional Controls or Restrictions?
1	Registration	No	None	Yes	No
2	Group permit 2	No	Once every 3 years	Yes	Oiling or equivalent
3	Standard Construction Permit	No	Once every 3 years	Yes	As specified in permit
4	Standard Construction Permit	Yes	Annually	Yes	As Specified in permit

The Implementation (Rulemaking and Permitting Timeline)

Date	Action
August 2007	Rules to EPC for NOIA
September 2007	Public comment and Hearings
November 2007	Rules to EPC for final adoption Education and Outreach
January 2008	Registration & application period starts
March 31, 2008	Deadline for registrations and applications
April – December 2008	Control installations as applicable
January 2009	Controls operating

The Implementation (Education and Outreach)

Who: Any grain elevator subject to the new rules
 When: November 2007 – January 2008
 Where: 4 Workshops around the state
 - Two sessions per workshop
 Why: Explain new rules, assist with forms
 How: Team effort
 - AAI: Provide contact information and partner with DNR
 - DED Small Business Assistance Liaison: Coordinate workshops
 - UNI Waste reduction Center: Conduct workshops

Henry Marquard asked if there will be buy in to this rulemaking.

Jim McGraw said that AAI is already getting the word out. It shouldn't be a big surprise to people when it goes out for public comment.

INFORMATION

2006 ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT REPORT

Barb Lynch, Field Services and Compliance Bureau Chief and Ed Tormey, Legal Services Chief presented the following information.

About compliance

The DNR's Environmental Services Division is charged with ensuring compliance with State of Iowa environmental laws and rules.

Educates citizens and promotes awareness of the environmental impacts of our actions and awareness of applicable law.

Field Services activity

DNR field staff are often able to resolve problems before legal action is necessary.

In 2006, DNR staff in ESD field office logged 48,727 activities.

- ❖ Inspections
- ❖ Investigations
- ❖ Responding to complaints
- ❖ Responding to spills and fish kills
- ❖ Attending public meetings
- ❖ Providing technical assistance

Only 1,790 notices of violations (NOVs) issued.

Only about 9 percent of NOVs resulted in an administrative order.

Enforcement and environment

Many times, environmental improvement comes as a result of an enforcement action.

Enforcement must take place when people choose to circumvent the law or do not understand the full impact of their actions.

Enforcement priorities

- ❖ Fish kills (Animal Feeding Operations)
- ❖ Asbestos in public buildings
- ❖ Open burning and dumping
- ❖ Protecting drinking water (acute MCL)
- ❖ Wastewater effluent violations
- ❖ Stormwater permits

Tire cleanups continue

In 2006:

- ❖ Abated five stockpiles
- ❖ Another 147,600 tires removed
- ❖ Completed Bee-Rite cleanups – about 1.3 million tires

Teamwork contains spills

- ❖ Tanker spills 2,700 gallons of ethanol in Boone County
- ❖ As rain approaches, ethanol is contained, tile lines and water supplies located
- ❖ Truck, ethanol and contaminated soil removed.
- ❖ Cooperation between agencies protects public health and keeps ethanol from reaching stream

Drinking water

- ❖ Public water supplies serve 95 percent of Iowans
- ❖ 2,024 public water supplies in Iowa
- ❖ 94.8 percent of PWSs met all health-based standards
- ❖ Documented Waterborne Disease Outbreaks: 0

Unsewered areas upgrade

- ❖ The DNR finished eight projects in 2006
- ❖ Of those, six installed on-site treatment systems or hooked to a nearby sewer system
- ❖ An estimated 94.1 million gallons of sewage per year is now treated rather than discharging to our land and water untreated

Enforcement actions

Cases are resolved in one of the three ways:

- ❖ Consent orders
- ❖ Administrative orders
- ❖ Refer to the Iowa Attorney General
- ❖ The legal Services Bureau issued 165 new or amended orders in calendar year 2006, which assessed \$438,082 in penalties.

Paid penalties 2002-2006

2002	\$312,178.00
2003	\$353,262.00
2004	\$384,896.00
2005	\$411,697.92
2006	\$438,082.00
Total	\$1,900,115.92

Collected penalties 2006

Totals	Assessed - \$438,931	Paid Collected - \$438,082
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**Some of the penalty money collected was for penalties owed prior to 2006.

2006 Successes

- ❖ Focused resources on priority compliance areas.
- ❖ Reduced time needed for DNR to take enforcement action
- ❖ Improved the DNRs collection of penalties
- ❖ A better environment for Iowa

Enforcement goals for 2007

- ❖ Develop, track and measure environmental indicators for each ESD program area
- ❖ Review and amend, as necessary, DNR's priority areas for compliance and enforcement in each ESD program area.
- ❖ Have all existing appeals resolved or set for hearing by July 1

INFORMATION

HOUSEHOLD HAZARDOUS MATERIALS PROGRAM PRESENTATION

Monica Stone, Environmental Program Supervisor in the Energy and Waste Management Bureau presented the following item.

The commission will be presented with an update regarding the Household Hazardous Materials program and future opportunities for the improvement of this program.

Household hazardous materials (HHMs) are found in nearly every store, under every sink, in closets, basements and garages. Consequently, nearly every household and business in the state generates HHMs. This hazardous waste is likely to end up in local solid waste facilities, or in municipal sewer systems, septic tanks or released directly into the environment unless steps are taken to manage this waste independently from other household and business wastes.

The state's HHM collection programs allow households and businesses to minimize the impact on the environment and to improve the health and safety in our homes and businesses. Iowa has invested heavily to create a network of proper disposal facilities and educational opportunities for Iowans.

- More than \$7.1 million has been invested in creating a Regional Collection Center (RCC) network for HHMs. This network currently serves 88 of Iowa's counties
- An additional \$2.6 million has been spent to reimburse the local governments for the cost of proper disposal
- More than \$260,000 has been invested in educating Iowans about household hazardous materials' use and disposal
 - \$150,000 in grants from the state, with over \$110,000 in local match
 - Additionally, each RCC has a public education component that must be in place for the duration of their financial contract with the DNR
 - All retailers selling HHMs are also required to provide educational information to consumers regarding proper use and disposal of HHMs as well as suggestions for less hazardous alternatives

As a result of this investment, Iowa has established much of the necessary infrastructure to improve the management of HHMs. The impact of this network can be examined in the

program's 2007 Annual Report, found at:
<http://www.iowadnr.com/waste/hhm/files/legisreport07.pdf>

The problem is that today many Iowans do not use the network. Only about 5% of Iowans use RCCs, and only about 10% of retailers provide required information to consumers about proper use and disposal of HHMs.

To improve the network and make the best use of the established infrastructure, a recommendation to improve information associated with HHMs and access to proper disposal options will be made. This process will include:

1. Finding out from Iowans what would make them use this network and/or other proper disposal methodologies
2. Learning how to make proper disposal of waste an expectation within a community and using marketing techniques that are common to commercial marketers to promote proper use and disposal
3. Improving the retailer education program
4. Implement improvements to the system based on what we learn.

Mary Gail Scott suggested they fix what's already broken with the program. Since some problems have been identified today, why don't we change them.

Susan Heathcote suggested that the disposal fee be included with the original cost of the item.

INFORMATION

USE ASSESSMENT AND USE ATTAINABILITY ANALSES (UA/UAA) UPDATE

Chuck Corell said that about 60% of the field work has been completed. Every time we receive an application construction permit for an unsewered community or new facility, that adds another water body that needs a UAA.

We are hoping that the remaining field work is just about completed. We are looking at September as the target date to present this rule package as a notice of intended action. There will be about 545 UAA's on the list, which represents about 328 stream segments. On average there's about 2 UAA's per stream. All changes will be noted on the list. Of the 545 where will be about 400 facilities that will be notified of the UAA's being done.

Overall, with the completed field work and written UAA's we're about 38% done. The legislature gave us a deadline to complete the work by December 2007. All of the UAA's, pictures and data will be listed on the DNR webpage. www.iowadnr.com We plan to meet with environmental groups and municipal groups so that they are up to speed on what has been done.

Mary Gail Scott asked about the process and procedure that is being used to assess.

Chuck Corell said that we used the warm water protocol to assess the aquatic life uses and this protocol went through the rulemaking process. The recreational use protocol did not. We have worked closely with EPA on developing a recreational use protocol, though it was not a rulemaking.

Susan Heathcote said that the protocol will definitely affect the recommendations coming from the department to us.

Mary Gail Scott said that I recall asking the Department to make these two separate issues. The rulemaking and the procedure. Whether or not it was discussed we need to address this. It may push back the September date.

Henry Marquard said that we need a procedure in place before we start making the list.

Darrell Hanson said that we will check the June minutes to see what kind of consensus was reached.

INFORMATION

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Name, Region number	Location and Program	Alleged Violation	DNR Action	New or Updated status	Date
Aldag, Travis Ida Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred Petition Filed Answer Filed	7/18/05 11/29/05 12/01/05
Bridges Bay Resort, LLC Spirit Lake (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	9/19/06 4/18/07

Bulk Petroleum Corporation 28 Sites (1) (6)	Underground Tank	Operation and Maintenance Violations	Referred to Attorney General	Referred Petition Filed	6/19/06 2/01/07
Cargill, Inc.; Mort's, Inc. Iowa Falls (2)	Solid Waste Wastewater	Illegal Disposal; Prohibited Discharge	Referred to Attorney General	Referred	11/14/06
Clinton, City of (6)	Wastewater	Compliance Schedule; Discharge Limits	Referred to Attorney General	Referred	9/19/05
Cohrs, Bernard; Cohrs Construction Dickinson Co. (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	11/14/06
Country Stores of Carroll, Ltd.; LeMars Country Store, LeMars (3)	Underground Tanks	Leak Detection; Record Keeping	Referred to Attorney General	Referred	3/06/07
Des Moines, City of; Metropolitan WW Reclamation Authority (5)	Wastewater	Compliance Schedule	Referred to Attorney General	Referred	8/15/06
De Vos, Harold and Sharon Rock Rapids (3)	Air Quality Solid Waste Wastewater	Open Burning; Illegal Disposal; Operation Without Permit	Order	Referred Petition Filed	9/19/06 1/23/07
Environmental Recycling Co., Inc. Dwight Oglesbee Masena (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	12/05/06
Feinberg Metals Recycling Corp., Ft. Madison (6)	Solid Waste Wastewater	Operation Without Permit; Illegal Disposal; Stormwater – Operation Without Permit	Referred to Attorney General	Referred	3/06/07
Garrett Corporation; Delta Industries Waterloo (2)	Air Quality	Construction Without Permit; Construction Contrary to Permit	Referred to Attorney General	Referred	1/02/07
General Motor Corporation Sioux City (3)	Hazardous Condition	Remedial Action	Order	Referred	9/19/06
Golden Oval Eggs LLC Thompson (2)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed	12/05/06 3/29/07

Environmental Protection Commission Minutes

July 2007

Heisdorffer, Leland Keokuk Co. (6)	Air Quality Solid Waste	DNR Defendant	Defense	Petition Filed (No original notice served) IDNR's Motion to Dismiss/Strike Hearing Date Ruling on Motion (Dismissed all damage claims against the State) Trial Date	10/06/05 8/07/06 9/01/06 9/11/06 5/11/07
Kruse Dairy Farm, Inc. Dyersville (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	12/19/05
Landfill of Des Moines #4 Des Moines (5)	Solid Waste	Operation Permit Violations – Other	Referred to Attorney General	Referred Petition Filed	4/17/06 1/23/07
Leigh, Marsha Glenwood (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance/Motion to Dismiss Motion to Intervene Hearing on Motion to Dismiss Ruling Denying Motion to Dismiss Resistance to Motion to Intervene Hearing on Motion to Intervene Ruling Denying Motion to Intervene Hearing on Defense Motions Motion for Judgment on Default Order Granting Default Judgment (\$100,000/Civil; \$10,000/Admin. & Injunction)	9/20/04 3/29/05 4/20/05 5/02/05 5/12/05 5/23/05 5/23/05 5/23/05 6/27/05 6/29/05 12/05/05 9/12/05 12/7/05
Miller, Albert Kalona (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	9/19/06 1/23/07
Miller Products Company Osceola (5)	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred	12/05/06
Miller, Robert Batavia (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred Petition Filed	8/15/06 1/23/07
Mobile World LC Camanche (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed	8/16/04 4/08/05

				Bankruptcy	Petition	4/13/05
				Filed		4/13/05
				Plan for Reorganization		6/17/05
				Appearance by State in		3/03/06
				Bankruptcy		3/08/06
				Notice of Intent to Seek		11/19/06
				Default		3/27/07
				Appearance	by	
				Defendant		
				Trial Date		
				Consent	Decree	
				(Injunctive Relief)		
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Moellers, Kenneth Cresco (1)	Animal Feeding Operation	Prohibited Discharge – Open Feedlot; Failure to Report a Release; WQ Violations – General Criteria	Referred to AG	Referred		2/20/06
				Petition Filed		12/11/06
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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred		12/15/97
				Petition Filed		10/02/98
				Application for		2/04/99
				Temporary Injunction		4/19/99
				Temporary Injunction		9/13/00
				Trial Date		9/28/00
				Partial Judgment		12/12/02
				(Clean-up Order)		2/20/03
				Contempt Application		2/20/03
				Contempt Hearing Date		
				Contempt Finding and		
				Civil Penalty		7/09/03
				(\$100,000 and 30		8/01/03
				Days in Jail –		
				Suspended until		8/01/03
				7/8/03)		8/20/03
				Hearing Regarding		9/18/03
				Contempt		4/16/04
				Order Regarding		12/10/04
				Bond/Cleanup		
				Deadline		1/05/05
				Bond Posted		
				State Objections to		8/15/06
				Bond		
				Ruling Denying		
				Objections to Bond		
				Status Hearing Date		
				Hearing on Motion to		
				Extend Cleanup		
				Deadline		
				Order Reinstating		
				\$100,000 Civil		
				Penalty		
				Site Clean-up		
				Completed		
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Pedersen, Dean Laurens (3)	Animal Feeding Operation	Failure to Update Plan	Referred to Attorney General	Referred		4/17/06
				Petition Filed		12/11/06
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Pellett Chemical Co., Inc. Wiota (4)	Underground Tank	Failure to Submit Tier 2 Site	Referred to Attorney General	Referred		6/19/06
				Petition Filed		3/29/07

		Assessment		Defendant's Motion to Dismiss	4/24/07 4/27/07
				Resistance to Motion to Dismiss	5/14/07
				Hearing on Motion to Dismiss	
Plymouth Dairy Farms Plymouth Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Record Keeping; Application in Excess of Crop Usage Rate; Freeboard	Referred to Attorney General	Referred Petition Filed	9/19/05 1/10/06
River Bluff Resort, LLC; C.J. Moyna & Sons, Inc.; P.A. McGuire Construction McGregor (1)	Wastewater	Stormwater – Pollution Prevention Plan Violations; Water Quality Violations – General Criteria	Referred to Attorney General	Referred	4/03/07
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference Trial Date Motion for Continuance Order Granting Continuance Trial Date Trial Roquette's Request to Reopen Evidence IDNR Resistance to Reopening Evidence Roquette's Reply to Resistance IDNR Motion/Supp. Resistance Order Denying Roquette's Request to Reopen Evidence Partial Consent Order	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05 10/24/05 6/29/05 6/29/05 4/24/06 4/24-28/06 5/25/06 6/020/06 6/19/06 6/21/06 7/05/06 4/09/07
Roquette America, Inc. Keokuk (6)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred	9/19/06
Rose Bowl, The	Drinking	Monitoring/Reporti	Referred to	Referred	7/17/06

Mason City (2)	Water	ng – Bacteria, Nitrate; Public Notice	Attorney General	Petition Filed	1/22/07
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred Petition Filed Application for Contempt Contempt Hearing Order for Contempt (\$3,000 fine) Arrest Warrant Issued Contempt/Temporary Injunction Hearing Temporary Injunction Granted Contempt Hearing Date Contempt Hearing Order Finding Defendant in Contempt \$3,000 Fine Amended Petition	6/20/97 12/09/98 11/21/02 3/11/05 3/11/05 4/01/05 8/05/05 4/01/05 5/03/05 5/03/05 7/06/05 8/05/05 8/05/05 1/31/06
Sharkey, Dennis Dubuque Co. (1)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Referred to Attorney General	Referred	4/03/07
Simpson, Barry Worth Co.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed	10/18/04 11/04/04
SNF, Inc. dba Brand FX Body Company Pocahontas (3)	Air Quality	Operational Violations	Referred to Attorney General	Referred	9/19/06
Stone v. Rembrand Enterprises, Inc.	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed State Motion to Dismiss Hearing Ruling Dismissing Damage Claims State's Motion for Summary Judgment Order Granting Continuance Hearing on Summary Judgment State's Supp. Reply to Plaintiff's Resistance to Motion for Summary Judgment Ruling Denying Motion for Summary Judgment Application for Interlocutory Appeal Memorandum in Support of Interlocutory Appeal	12/06/04 1/10/05 3/07/05 5/17/05 2/27/06 3/20/06 5/01/06 6/19/06 10/04/06 11/03/06 11/03/06 1/08/07 1/22/07 3/05/07 3/14/07 4/06/07 4/13/07 4/16/07

Application Denied Motion for Separate Trial Hearing on Motion for Separate Trial Order Granting Separate Trial Trial Brief Reply Brief Trial Date					
Sweitzer, Chad and Lona; Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporti ng – Bacteria; MCL – Bacteria	Referred to Attorney General	Referred Petition Filed	11/14/06 5/03/07
U.S. Nation Mart, Inc.; Ved Pal; Babli Saini Davenport (6)	Underground Tank	Leak Detection; UST System Deficiencies	Referred to Attorney General	Referred	5/01/07
Yentes, Clifford Council Bluffs (4)	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	4/03/07

Report of WW By-passes

During the period May 1, 2007 through May 31, 2007, 8 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '06	3(11)	0.427	0.055	1	0(0)
November '06	3(7)	0.063	0.033	2	0(0)
December '06	11(7)	0.862	0.016	1	0(0)
January '07	7(10)	0.213	0.004	1	0(0)
February '07	34(6)	0.386	0.070	6	0(0)
March '07	14(12)	0.162	0.011	3	0(0)
April '07	22(12)	0.393	0.068	5	0(0)
May '07	8(11)	0.565	7.386	1	0(0)
June '06	9(7)	0.342	0.076	5	0(0)
July '06	9(5)	0.078	0.003	2	0(0)
August '06	15(13)	0.196	0.023	8	0(0)
September '06	9(3)	0.285	0.024	0	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	0	1	4	2	1

DATE: July 1, 2007

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken during this reporting period:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Crop Production Services, Inc. Dubuque Co. (1)	Wastewater	Prohibited Discharge	Consent Order \$8,000	5/14/07
Linden, City of (5)	Wastewater	Prohibited Discharge	Consent Order Stip. Penalties	5/23/07
John Morrell & Co., Sioux City (3)	Drinking Water	Certified Operator	Consent Order \$5,400	5/23/07
Kenneth Dahlhauser, Whittemore (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Consent Amendment \$1,250	5/23/07
Michael Drea, Woodbury Co. (3)	Air Quality	Open Burning	Consent Amendment \$3,000	5/31/07
Steve Frick, Osceola Co., (3)	Animal Feeding Operation	Construction Permit	Without Consent Order \$5,000	5/31/07

Gary Hart, Clinton (6)	Air Quality Solid Waste	Stormwater – Operation Without Permit; Open Burning; Illegal Disposal	Consent Amendment \$1,000	6/07/07
Franklin County (2)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$7,500	6/11/07
E & F Custom Pumping, Inc. Taylor Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement; Land Application Separation Distance	Consent Order \$4,500	6/11/07
River Bend Farms, Inc.; and Ken Root, Council Bluffs (4)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Consent Order \$1,200	6/11/07
Grand Prix Industries, Inc., Kossuth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Consent Order \$1,500	6/11/07
James Hogan d/b/a Hogan Bros. Jones Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Consent Order \$1,500	6/11/07

4/26/99	Gerald and Judith Vens	6	Order/Penalty	FP	Clark	4/09/07 – Internal meeting with DNR management set for 4/12/07. 5/09/07 – Clark calls Vens' attorney and extends settlement offer. Attorney agrees to inform client and get back to Dept. with response.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Order/Penalty	AFO	Clark	4/10/07 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
7/13/00	Dan Witt	6	Order/Penalty	AFO	Clark	1/10/07 – FO6 staff visited the site to determine the current status and observed that the AFO portion of the farm operations has been closed. 4/07 Sent request for hearing.
10/02/01	Daryl Larson	6	Order	AFO	Clark	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney

						regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule. 10/18/06 – Letter to attorney regarding schedule for resolving appeal. 10/06 – Letter to MHP attorney regarding resolution of appeal. 11/06 – Letter from MHP attorney regarding projects on hold due to revisions in WQ standards rules.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/4/07 – FO4 provides status update.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	1/4/07 - An offer to settle was sent to Mr. Dahlhauser's attorney. This letter gave Mr. Dahlhauser until 1/26/07 to contact Carrie Schoenebaum with regard to the settlement. Attorney called and asked for extended time to review. She will call back. Dahlhauser attorney agrees to settlement. Will send signed consent order.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004. 4/07 – FO5 to conduct compliance inspection. 4/19/07 - Inspection report issued to facility. 5/07 -

						Letter to City regarding resolution of appeal.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Clark	4/07 Waiting to hear from attorney on DNR's offer.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	3/10/07 – Attorney for NPPII responds to DNR's inquiry, indicating that he will get with client and then back with DNR in next week. 4/10/07 – Clark leaves message for NPPII attorney, asking for status update. 4/10/07 – After Clark leaves message for NPPII attorney, asking for status update, NPPII attorney indicates his client asserts case should be dismissed. 5/9/07 – Dept. refuses to dismiss case and counters with reduced penalty offer.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status. 10/05 – Status report requested from Dept. engineer. 11/05 – Facility upgrade completed. New NPDES permit requested for upgraded facility. 12/16/05 – Settlement offer received from MHP attorney. 5/07- letter to MHP attorney about appeal and setting for hearing.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005. 4/07 – Letter to City regarding appeal. . 4/25/07 - Response from City Attorney. 5/11/07- Dept. offer of settlement.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	TEGH, Inc. no longer operator; questionable as a viable corporation. Review options.
10/27/03	B & H Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	B & H no longer operator; questionable as a viable corporation. Review options.
10/27/03	U.S. Nation Mart, Inc.	6	Order/Penalty	UT	Wornson	Proposed consent order

	(03-UT-14)					drafted.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance. 11/06 – Facility building burned down, facility closed. . 5/07- Dept. letter to attorney about resolving appeal.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	2/2/07 – Draft Consent Order sent to attorney for new owner.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	4/4/07 – FO4 agrees to perform a site visit to verify remedial work. 5/2/07 – FO4 visits site and reports observations.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement. 8/06 – Letter from City attorney regarding resolving appeal. 10/06 – Letter to City attorney regarding settlement and setting case for hearing. 11/06 – Response received from City attorney concerning SEP proposal. 1/07 – Settlement proposal (SEP) received from City attorney; under review by Dept. staff. 3/07 – Settled. City to pay penalty of \$2,500 and perform SEP in an amount of \$10,250. 3/26/07 – Draft consent order sent to City attorney on 3/26/07. 4/2/07 – Consent order signed by City. 4/2/07 – Consent order signed by City. Order signed by Director, issued. Penalty paid 5/15/07. Case closed.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement. 1/05 – Tentative agreement reached on settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Continuing to negotiate.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	3/15/07: Attorney for Alton returned Dept. phone call and agreed to check with client regarding settlement offer. 5/08/07 - Dept. called Attorney for Alton. Settlement offer delayed due to

						change in Alton administration. Will submit offer to DNR by 5/18/07.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/18/04	CDI – Charles City	2	Title V Permit Determination	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	3/22/07 – Dept. sends draft consent amendment to Renze's attorney. 5/10/07 – Dept. calls Renze's attorney for status update; attorney apologizes for delay and commits to providing a response in 24 hours. As of noon, 5/14/07 Dept. has not received a response.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Primary RP died. Current operation received construction permit on 11/06/06. Will be settled when construction is completed.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/SW	Tack	Hearing set for 1/19/07. Hearing continued to May 25, 2007.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	5/07 - Dept. letter to City regarding setting case for hearing.
10/21/04	Eugene Kramer	1	Permit Denial	WR	Clark	3/6/07 – Dept. discusses case with attorney for deceased Mr. Kramer. Potential lawsuit against Kramer can still be filed until 4/6/07, so unwilling to withdraw contested case until that is known. 4/10/07 – Clark leaves message for Kramer's attorney, asking for status update. 5/11/07 – After Clark's call asking for update, Kramer's attorney agrees to talk with Executor of Kramer's estate the week of 5/14/07.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	Order and penalty affirmed. Inability to pay claim being evaluated by Department. Offer to reduce penalty rejected, will be turned over to Revenue and Finance
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	4/10/07 – Clark discusses appeal with Mr. Smith. He will consult with his representatives and decide whether to go to hearing or withdraw appeal.
1/20/05	Monty Branstad	2	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
2/04/05	Honey Creek Campground	4	Order/Penalty	WW	Hansen	12/07/05 – Telephone call with Honey Creek attorney regarding hearing and compliance issues. 3/22/06 – Meeting at FO 4 with wastewater owner and attorney. 4/5/06 – FO4 inspection of campground. 5/12/06 – FO letter to facility regarding inspection. 5/22/06 – Letter received from Honey Creek

						attorney requesting waiver of penalty in view of inspection. Letter to Honey Creek attorney rejecting request to waive penalty. 4/07 – Letter to Honey Creek regarding penalty and setting for hearing. 5/07 to be sent to DIA.
2/17/05	CDI, LLC	2	Permit Conditions	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
2/24/05	Mt. Joy Mobile Home Park	1	Order/Penalty	WW	Hansen	10/06 – Letter to MHP regarding settlement of appeal. 11/06 – Information received from MHP owner regarding MORs and certified operator. 4/07 – Letter to MHP regarding appeal and setting for hearing. 5/07- Settled. Consent order sent to MHP owner to be signed.
3/08/05	Randy Griffin	5	Order/Penalty	AQ/SW	Tack	Settled. Revised consent order sent 1/22/07.
3/25/05	Hoover Land Corp.	2	Order/Penalty	WS	Hansen	Negotiating before filing.
4/04/05	Ruby Field; Ed Grafke	6	Order/Penalty	UT	Wornson	No progress, set for hearing.
4/05/05	Dirk D. Graves	4	Order/Penalty	AQ	Tack	Hearing set for 5/22/07.
5/25/05	Iowa Quality Beef Cooperative	5	Order/Penalty	WW	Hansen	6/26/06 – FO meeting with company officials to discuss reopening of plant. 7/12/06 – FO inspection of plant. 10/06 – To be set for hearing.
8/05/05	Scott Lenz	4	Order/Penalty	AFO	Book	Producer submitted offer, Department reviewing offer. Awaiting decision from producer.
11/21/05	CDI, LLC	2	Construction Permit	AQ	Preziosi	ALJ Proposed Decision issued 12/29-06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
2/27/06	Greig & Co., Inc.	3	NPDES Permit	WW	Clark	Negotiating before filing.
3/28/06	Jordan Branstad; Edward Branstad	2	Order/Penalty	AQ/SW	Preziosi	Settled. Awaiting penalty payment.
4/10/06	Praxair, Inc.		Permit Conditions	AQ	Preziosi	Negotiating.
7/07/06	Washington County (Permittee: Riverside Casino)	6	Water Use Permit	WR	Clark	Negotiating before filing.
8/09/06	Cargill (Eddyville)	5	Permit Conditions	AQ	Preziosi	Waiting to hear from Cargill engineer. Meeting will be set with technical staff.
8/28/06	Winnebago Industries, Inc.	2	Title V Permit	AQ	Preziosi	ALJ Proposed Decision issued 12/29/06 and appealed. Appeal will be addressed at April 2007 EPC meeting.
10/06/06	Ted Dickey dba Dickey Farms	6	Order/Penalty	AQ/SW/ AFO	Book	Meeting to be held April 2007. Waiting to hear from attorney as to a meeting.
12/27/06	Piper Motor Co. Inc.	6	Order/Penalty	AQ/WW	Tack	Reviewing discovery responses.
1/08/07	Cargill (Eddyville) 02-A-393-S3, 02-A-394-S2, 02-A-395-S2, 02-396-S3, 05-A-930, 05-A-931	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/09/07	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
1/11/07	Clow Valve Company (20 Permits)	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/11/07	Bedrock Gravel	3	Order/Penalty	AQ\SW	Tack	Negotiating before filing.

Rulemaking Status Report

Proposal	Notice to Comish	Notice Publish	ARC #	Rules Review Committee	Hearing	Comment Period	Final Summary to COMmish	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Rule Effective
1. Ch. 7 – Contested Case Rules	5/01/07	5/23/07	5897 B	6/11/07		6/12/07	7/02/07	*7/02/07	*8/01/07		9/03/07	*9/05/07
2. Ch. 20, 33 – Amendments to AQ Program Rules	7/02/07	*8/01/07		*8/14/07	*9/05/07	*9/06/07	*10/01/07	*10/01/07	*10/24/07		*11/13/07	*11/28/07
3. Ch. 20, 33 – Amendments to AQ Program Rules							7/02/07	*7/02/07	*8/01/07		*9/03/07	*9/05/07
4. Ch. 22 – Air Construction Permit Exemptions	1/02/07	1/31/07	5694 B	2/06/07	3/05/07	3/09/07	5/01/07	5/01/07	5/23/07	5899B	6/11/07	6/27/07
5. Ch. 22 – Special Requirements for Visibility Protection	1/02/07	1/31/07	5695 B	2/06/07	3/02/07	3/05/07	5/01/07	5/01/07	5/23/07	5900B	6/11/07	6/27/07
6. Ch. 34 – AQ – Amendments to CAIR and CAMR Provisions	7/02/07	*8/01/07		*8/14/07	*9/04/07	*9/05/07	*10/01/07	*10/01/07	*10/24/07		*11/13/07	*11/28/07
7. Ch. 40, 43 – Minor Water Main Construction Permit	3/06/07	3/28/07	5795 B	4/03/07	4/19/07	4/20/07	7/02/07	*7/02/07	*8/01/07		*9/03/07	*9/05/07
8. Ch. 61 – WQS – Chemical Criteria Revisions	5/01/07	5/23/07	5898 B	6/11/07	6/14, 19, 21 and 26/07	*7/10/07	*8/06/07	*8/06/07	*8/29/07		*9/05/07	*10/03/07
9. Ch. 64 – Wastewater Construction and Operation Permits	2/06/07	2/28/06	5753 B	4/03/07	3/30/07	3/30/07	6/05/07	*6/05/07	*7/04/07		*8/06/07	*8/08/07
10. Ch. 93 – Nonpoint Source Pollution Control Set-Aside Program	5/01/07	5/23/07	5901 B	6/11/07	6/14/07	6/21/07	*8/06/07	*8/06/07	*8/29/07		*9/05/07	*10/03/07
11. Ch. 103-106, 112, 114, 115, 118, 120-123 – Financial Assurance Regulations	12/05/06	1/03/06	5633 B	2/06/07	3/28/07	3/28/07	*7/02/07	*7/02/07	*8/01/07		*9/03/07	*9/05/07

12. Ch. 113 – Sanitary Landfills for Municipal SW: Groundwater Protection Systems for the Disposal of Non-Hazardous Wastes	11/14/06	12/06/06	5597 B	1/03/07	1/22,24 and 26/07	1/26/07	6/05/07	6/05/07	*7/04/07		*8/06/07	*8/08/07
13. Ch. 135 – Technical Standards and Corrective Action Requirements for Owners and Operators of USTs	7/02/07	*8/01/07		*8/14/07			*10/01/07	*10/01/07	*10/24/07		*11/13/07	*11/28/07

Environmental Services Division Report of Manure Releases

During the period May 1, 2007, through May 31, 2007, 5 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement Application	Land	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	12 (13)	0 (1)	9 (2)	0 (1)	3 (9)	9 (12)	0 (1)	3 (0)	0 (0)	1 (1)
November	10 (8)	0 (0)	2 (1)	3 (3)	5 (4)	8 (6)	1 (2)	1 (0)	0 (0)	1 (1)
December	5 (2)	0 (0)	5 (1)	0 (0)	0 (1)	4 (0)	1 (2)	0 (0)	0 (0)	1 (0)
January	4 (3)	0 (0)	3 (2)	1 (1)	0 (0)	4 (1)	0 (2)	0 (0)	0 (0)	0 (0)
February	4 (2)	0 (0)	2 (1)	0 (0)	2 (1)	3 (1)	1 (1)	0 (0)	0 (0)	1 (0)
March	7 (2)	0 (1)	6 (1)	0 (0)	0 (0)	6 (0)	0 (2)	0 (0)	0 (0)	2 (2)
April	4 (6)	2 (0)	2 (2)	0 (2)	0 (2)	2 (6)	2 (0)	0 (0)	0 (0)	2 (1)
May	5 (6)	0 (0)	2 (3)	2 (3)	0 (0)	3 (5)	1 (1)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	51 (42)	2 (2)	31 (13)	6 (10)	10 (17)	39 (31)	6 (11)	4 (0)	0 (0)	8 (5)

(numbers in parentheses for the same period last year)
Total Number of Incidents Per Field Office this Period:

1	2	3	4	5	6
1	2	1	1	0	0

Environmental Services Division Report of Hazardous Conditions

During the period May 1, 2007, through May 31, 2007, 95 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance				Mode				
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	52 (48)	5 (6)	34 (29)	12 (13)	14 (13)	29 (28)	0 (0)	3 (2)	2 (1)	4 (4)
November	60 (55)	13 (10)	30 (35)	17 (10)	19 (16)	27 (28)	2 (0)	4 (3)	1 (1)	7 (7)
December	28 (51)	3 (5)	20 (32)	5 (14)	5 (18)	18 (29)	0 (2)	2 (1)	0 (0)	3 (1)
January	36 (62)	4 (4)	20 (35)	12 (23)	10 (18)	19 (32)	3 (0)	1 (1)	0 (0)	3 (11)
February	50 (49)	6 (2)	38 (36)	6 (11)	7 (10)	35 (35)	1 (1)	3 (2)	0 (0)	4 (1)
March	70 (54)	5 (2)	52 (40)	13 (12)	19 (16)	44 (29)	0 (2)	0 (2)	0 (0)	7 (5)
April	75 (96)	23 (32)	31 (39)	21 (25)	24 (26)	41 (56)	1 (1)	0 (3)	2 (1)	7 (9)
May	95 (59)	35 (14)	38 (34)	22 (11)	39 (24)	40 (29)	4 (0)	4 (1)	1 (1)	7 (4)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	466 (474)	94 (75)	263 (280)	108 (119)	137 (141)	253 (266)	11 (6)	17 (15)	6 (4)	42 (42)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office this Period:

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
21	14	9	12	29	10

IOWA DEPARTMENT OF NATURAL RESOURCES COMPLIANCE AND ENFORCEMENT BUREAU

DATE: July 1, 2007

TO: Environmental Protection Commission

July 2007

Environmental Protection Commission Minutes

FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	8,042	3-15-96
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,780	8-01-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	242	3-08-02
Charlotte Caves (Oskaloosa)	HC	10,000	4-03-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	1,701	8-18-02
Midway Oil Co.; David Requet (Davenport)	UT	5,355	9-20-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	4-23-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	2,782	6-09-03
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	1,663	12-15-03
Robert L. Nelson (Orient)	UT	617	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	6,188	3-22-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
Mike Messerschmidt (Martinsburg)	AQ/SW	500	4-13-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
#Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	2,080	6-16-04

# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Shane Preder (Ft. Madison)	AQ	477	7-12-04
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	7-16-04
Ranch Supper Club (Swisher)	WS	300	8-02-04
#*James Boller (Kalona)	AFO	3,634	8-19-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
David Niklasen (Shelby Co.)	SW	100	9-11-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Americana Bowl (Ft. Madison)	WS	100	11-28-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	2-18-05
Denzel Edwards (Cass Co.)	AQ/SW/HC	500	3-01-05
* Fran Oil Company (Council Bluffs)(3 Admin. Orders)	UT	4,300	4-09-05
Virgil Ehlers; Ehlers Oil Co. (Soldier)	UT	8,040	4-23-05
* Reginald Parcel (Henry Co.)	AQ/SW	260	4-23-05
Harold Linnaberry (Clinton Co.)	SW	1,000	5-18-05
* Country Stores of Carroll, Ltd. (Carroll)	UT	1,408	6-06-05
Mehmert Tiling, Inc. (Cresco)	UT	8,849	6-10-05
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	6-20-05
Fedler and Company; Tony Fedler (Mt. Pleasant)	HC	3,670	6-25-05
# Matt Hoffman (Plymouth Co.)	AFO	750	8-08-05
Vernon Kinsinger (Washington Co)	SW	3,930	12-31-05
# Joel McNeil (Kossuth Co.)	AFO	2,500	1 21-06
Carl Cliburn (Wapello Co.)	AQ/SW	3,474	2-03-06
TOMA Properties, LLC (Washington)	WS	1,000	2-17-06
Affordable Asbestos Removal, Inc. (Monticello)	AQ	7,000	4-28-06
Jeff Albrecht (Humboldt Co.)	AQ	500	5-06-06
CRM Enterprises; Envirobest, Inc. (Iowa City)	AQ	7,000	5-21-06
#*Tony Mertens (Mt. Pleasant)	AFO	2,644	7-20-06
#*Dale Schumann (Buena Vista Co.)	AFO	2,000	8-01-06
# Troy VanBeek (Lyon Co.)	AFO	3,500	10-16-06
Rueter & Zenor Co.; Rueters Red Power (Carroll) SEP	AQ/SW	400	11-06-06
# Randy Rudolph (Audubon Co.)	AFO	3,500	11-06-06
Larry Bergen (Worth Co.)	AQ/SW	2,000	11-01-06
* Fred Miller; Earthworks Contracting (Quimby)	AQ	8,020	12-15-06
#*Galen Drent (Boyden)	AFO	1,510	2-01-07
Council Bluffs Community School District	AQ	3,500	3-08-07
#*Richard Beelner; Beelner 1 and 2 (Plymouth Co.)	AFO	600	4-01-07
Mobile World, LC; R. Victor Hanks (Clinton Co.)	WW	22,500	4-01-07
Edward Branstad; Monroe "Monty" Branstad (Forest City)	AQ	4,500	4-16-07

# Todd Kay (Buena Vista Co.)	AFO	3,000	4-16-07
# Garrelts Livestock Feeders (Palo Alto Co.)	AFO	3,000	5-02-07
#*E & N Farms, Ltd. (Lyon Co.)	AFO	800	5-15-07
* Country Terrace Mobile Home Park (Ames)	WW	590	6-01-07
#*Paul Rehder (O'Brien Co.)	AFO	375	6-01-07
* Waddell's Metal Recycling (Blue Grass)	AQ	750	6-01-07
* Crestview Mobile Home Park (Ames)	WW	1,000	6-01-07
Crop Production Services, Inc. (Dubuque Co.)	WW	8,000	6-14-07
Industrial Laminates/Norplex, Inc. (Postville)	AQ	3,750	6-14-07
# Crossroads Cattle Co. (Council Bluffs)	AFO	9,500	6-14-07
#*Harvey Driesen (Sioux Co.)	AFO	1,000	6-15-07
Craig Burns (Postville)	WW	3,750	6-15-07
#*John Kauffman (Iowa City)	AFO	3,744	6-20-07
* John Danker (Lee Co.)	AQ/SW	2,775	6-22-07
# Kenneth Dahlhauser (Whittemore)	AFO	1,250	6-23-07
#*Michael and Karen Schieltz (Dubuque Co.)	AFO	2,552	7-07-07
#*Randy Gergen; R & D Farms (Sioux Co.)	AFO	1,125	7-15-07
James L. Heal; A-1 Imports (Homestead)	WW/SW	10,000	7-18-07
* Midway Water & Lighting Co., Inc. (Marion)	WS	1,100	7-20-07
John Morrell & Co. (Sioux City)	WS	5,400	7-23-07
Goldsmith & Son, Inc.; J & G Pallet LLC (Sergeant Bluff)	WW	10,000	8-01-07
* Curt Kline; Connie Kline (Dunlap)	AQ	500	9-01-07
#*Charles F. Deering, Jr. (Postville)	AFO	2,500	9-30-07
#*Charles Wauters (Keystone)	AFO/SW	3,500	12-01-07
#*Joe Tomka (Carroll Co.)	AFO	3,500	12-01-07
#*Rahn Eischeid (Carroll Co.)	AFO	2,500	4-01-08
# Steve Frick (Osceola Co.)	AFO	5,000	----
TOTAL		488,451	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
Dallas County Care Facility (Adel)	WW	5,000
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Chelsea, City of	WW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
Country Living MHP (Altoona)	WW	5,000
Strawberry Point, City of	WW	10,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
# Jeff Holland (Winnebago Co.)	AFO	5,500
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000

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# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
LeMars, City of	WW	9,000
Alton, City of	FP	5,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
Cedar Rapids, City of	WW	5,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000
Monty Branstad (Winnebago Co.)	AQ/SW	8,000
Honey Creek Campground (Pottawattamie Co.)	WW	1,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
Peeters Development Co.; Mt. Joy MHP (Scott Co.)	WW	10,000
Hoover Land Corp.; River Road Golf Club (Algona)	WS	1,375
Dirk Graves (Glenwood)	AQ	1,000
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112
# Ted Dickey dba Dickey Farms (Muscatine Co.)	AQ/SW/AFO	8,000
Iowa Quality Beef Supply Cooperative (Tama)	WW	10,000
# Scott Lenz (Carroll Co.)	AFO	8,000
Edward Branstad; Jordan Branstad (Winnebago Co.)	AQ/SW	8,000
Bruce Piper; Piper Motor Company, Inc. (Bloomfield)	AQ/WW	10,000
Bedrock Gravel, In. (Buena Vista Co.)	AQ/SW	10,000
TOTAL		259,987

The following administrative penalties have been collected:

NAME/LOCATION	PROGRAM	AMOUNT
* John Danker (Lee Co.)	AQ/SW	139
Michael Drea (Woodbury Co.)	AQ	3,000
#*John Kauffman (Iowa City)	AFO	208
* Waddell's Metal Recycling (Blue Grass)	AQ	250
#*Harvey Driesen (Sioux Co.)	AFO	250
* Craig Burns (Postville)	WW	250
* Midway Water & Lighting Co., Inc. (Marion)	WS	100
* Curt Kline; Connie Kline (Dunlap)	AQ	500
#*Michael and Karen Schieltz (Dubuque Co.)	AFO	361
* Wayne Staab (Plymouth Co.) PAID IN FULL	AQ	250
Gary Hart (Clinton)	AQ/SW	1,000
S.K. Food & Gas, Inc.; Diwan LLC (Davenport)	UT	10,300

16,608

TOTAL

The following penalties were collected by
Revenue during the Month of May.

Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	250
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TOTAL	250
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TOTAL MONIES RECEIVED	16,858
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INFORMATION

GENERAL DISCUSSION

Wayne Gieselman said that four states participated in a kaizen event down at the EPA's Region VII headquarters in the process of the water quality standards. EPA seemed to gain a better understanding to why states can't put together a rulemaking package quickly. We did get a commitment from EPA to be involved with our process much earlier. The water quality standards are suppose to be state specific. There is no universal standard for water quality. We have been talking with EPA on how much data is enough data to justify a standard that is different then something they have already approved. There will always be new data and science, but there needs to be a time when we move forward with the best thing we know at that time.

Rick Kruse of the Iowa Water Center will have a presentation at the next commission meeting on the big picture of ethanol in Iowa.

Tammie Krausman provided the Commissioners with a listing of the contracts for FY08.

We will be looking at a lot of the ground water monitoring data for landfills and contaminated sites. We have some of this data but not the resources to review this data.

We are trying to look at industry and municipalities projections on water use and what kinds of issues we see coming in the future in regards to the growing ethanol industry. We are planning to present this information to the the legislature next year.

We received a report from some people canoeing on the Raccoon River that there were 50 dead pig carcasses floating in the water. Our field office 3 staff are performing an intense investigation.

Darrell Hanson brought up the Cottonballs site and the possibility of the sinkhole and folks requesting a dye test. He talked to Joe Sanfilippo, FO 1 Supervisor, about the site and Joe said that he received a report in 2005 from one of the two gentlemen that presented on this issue

today. The report stated that a sinkhole had been found while moving dirt. Joe sensed this would be a controversial project. He called in the state geologist and the geological survey to help investigate. The state geologist determined that there was no sinkhole at all. In the Spring of 2006, the folks objecting to the presence of the business asked for a dye test and Cottonballs agreed and would even provide the water to flood their property but wanted to wait until the seeding had a chance to take so they wouldn't have to re-seed. So the test was scheduled for a later date. Meanwhile, Joe was in a vehicle/deer accident and was laid up for some time. The dye test was again postponed until September 2006. A week before the scheduled test, Mr. Watson filed suit against the company. At that point, Cottonballs withdrew their permission to be on site to do anything. Joe said his options were to get a search warrant but the company may not be required to supply the water for the test or the hauling of it. So the DNR would have to provide the water and a way to get it to the site. So that's where it sits right now, the DNR would have to pay for the truck loads of water, so at this point Joe has not pursued a search warrant. He may have been more aggressive at pursuing a search warrant if the state geologist hadn't already told him that there was no sinkhole.

Wayne Gieselman said that he hasn't heard of a fecal count that is above drinking water standards on Mr. Meyer's property. Wayne was not sure what the dye test would tell DNR. The facility is in Karst. It may tell DNR that there is some connection from the site to Mr. Meyer's property but it won't tell DNR how many other connections might be connected to his property.

Darrell Hanson said that he wanted to relay what he knew. Not that the information given was false but rather incomplete.

The Commissioners agreed that they would like to have the budget presented to them as an informational item in September before the final approval in October. A two page executive summary.

Sue Morrow said that we have AFO issues brought before us every month. We hear from both sides of the issue. I believe that since it is our duty to protect the environment, we need to know what our authority is when dealing with AFOs. We need to specifically know what we can and can not do. Do they need to go to the legislature? Who is looking at the Master Matrix and MMPs? Do they ever get revised? She would like to get a presentation from DNR on what the Commission's role is.

Henry Marquard said the counties can appeal the permit decision. They have the legal status.

Darrell Hanson said that the appeal process that is in place is very frustrating to most people. Because in order to appeal with the state, the permit has to be deficient in meeting a state standard and that is not the case otherwise they wouldn't have a permit.

The Commissioners agreed that they would like a listing of what they can do when dealing with AFO applications, master matrix, sitings, etc.

Wayne Gieselmann said that confined AFO's are not the first major problem with water quality, it's the open feedlots that cause more environmental problems.

Charlotte Hubbell passed out an article on sustainable bio-mass production. Do we have criteria to determine whether ethanol or bio-fuels is a sustainable practice?

Wayne Gieselmann said that we will discuss the manure on soybeans rule next month.

INFORMATION

NEXT MEETING DATES

August 7, 2007 – DNR Air Quality Building, Urbandale

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 6:30 p.m., Monday, July 2, 2007.

Richard A. Leopold, Director

Darrell Hanson, Chair

Suzanne Morrow, Secretary

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